

# EXHIBIT 4

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

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TETRIS HOLDING, LLC, and THE

TETRIS COMPANY, LLC,

Plaintiffs and,

Counterclaim Defendant Civil Action No.

-against-

3:09-CV-6115

(FLW) (DEA)

XIO INTERACTIVE,

Defendant and

Counterclaim Plaintiff.

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August 11, 2011

11:23 a.m.

Videotaped Deposition of JEFFREY C. NEU,  
taken by Plaintiff, pursuant to subpoena, at the  
offices of Kirkland & Ellis, LLP, 601 Lexington  
Avenue, New York, New York, before SUZANNE  
PASTOR, a Shorthand Reporter and Notary Public  
within and for the State of New York.

A P P E A R A N C E S:

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ALSO PRESENT:

MICHAEL DAVIDSON, Videographer

1 NEU - AUGUST 11, 2011

2 Q. Is that because you were aware that  
3 the Tetris Company had taken action against  
4 other people who made games that looked like  
5 Tetris?

6 MS. MAITRA: Objection; vague.

7 A. I would clarify -- classify it  
8 differently, or characterize it differently in  
9 that I would classify it as any -- as far as my  
10 interpretation at the time, that the Tetris  
11 Company was very aggressive in its defense of  
12 its claims as to the game that they called  
13 Tetris.

14 Q. So you were aware that they took  
15 action against other game developers, correct?

16 A. Yes, that's true, yes. Uh-huh.

17 Q. Are you familiar with the game  
18 Pac-Man?

19 A. I am.

20 Q. And in Pac-Man there's a maze,  
21 correct?

22 A. Yes.

23 Q. If you changed the design of the  
24 maze in Pac-Man, would you consider that  
25 reskinning or changing the form and function?

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2 MS. MAITRA: Objection. Incomplete  
3 hypothetical and outside the scope of this  
4 deposition.

5 A. I would consider that form and  
6 function.

7 Q. What if you changed the color of  
8 the ghosts?

9 A. I would consider that reskinning.

10 MS. MAITRA: Same objections.  
11 Sorry, can you give me a chance to say  
12 objections.

13 Q. What if you changed Pac-Man to  
14 Ms. Pac-Man?

15 MS. MAITRA: Same objections.  
16 Sorry.

17 Q. The character.

18 A. I would consider that reskinning.

19 Q. Do you think Pac-Man has the same  
20 function as the game Ms. Pac-Man in form and  
21 function?

22 MS. MAITRA: Same objection.

23 MR. ULMET: Objection.

24 Q. Are you familiar with the game  
25 Ms. Pac-Man?